Attorney's Docket No. 06269-027001 / PA080021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Scholtens et al.	Art Unit	: 2662
Serial No.	: 09/632,393	Examiner	: Michael I. McLoughlin
Filed	: August 4, 2000		
Title	: CIRCUIT INTEGRITY IN A PACKET-SWITCHED NETWORK		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF DAVID WELLS UNDER 37 C.F.R. 1.131

I, David WELLS declare as follows:

1. I am an inventor named in the patent application identified above.

2. I am currently the founder of Netronome Systems, Inc., a developer of network switching devices.. From April, 2000 to December, 2002 I was Chief Technical Officer (CTO) for the Wireless Division of Marconi PLC. I worked at Tellabs, the assignee of the pending application, from July 1996 until April 2000. I have over 18 years experience working in data networking and telecommunications including experience of packet data switching, telephony and transport technologies. I hold a Ph.D. from Cranfield Institute of Technology in the UK.

3. I have reviewed the Office Action dated November 19, 2003 and patent specification (Specification) for the application identified above including the pending claims. The patent specification claims the benefit of priority of U.S. Provisional Application Ser. No. 60/147,462, filed August 6, 1999, and is incorporated therein by reference.

4. I reviewed the Invention Disclosure that I wrote and submitted for this matter. The Invention Disclosure was written and is dated before June 20, 1999. A redacted copy of the Invention disclosure is attached as Exhibit 1.

5. I reviewed the Provisional Application, including Appendix A, which is Technical Manual 76.2100/1, General Description, AN2100 System, Tellabs, Inc. (3/99) (AN2100 Technical Manual). The manual is dated and was distributed within Tellabs prior to the critical date of June 20, 1999. A partial copy of the AN2100 Technical Manual, including pages i-1.6, is attached as Exhibit 2.

6. I was a member of the AN2100 development program from 1996 to 1998 in my role as Director of ATM Marketing within the division responsible for developing the AN2100. From 1998 to 2000 I was involved

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in Corporate Strategic Planning and M&A (Mergers and Acquisitions) activities for Tellabs but retained a strategic involvement with the AN2100 program and the use of ATM within Tellabs. I have personal knowledge of the development of the Technical Manual, which was developed in association with the realization of the AN2100 System as a Tellabs product.

7. The Invention Disclosure discloses providing for a continuity check (COT) over narrowband circuits adapted to the asynchronous transfer mode. The Invention Disclosure teaches the subject matter of independent claims 1, 13 and 17 of the Specification and also teaches using the capabilities of Tellabs, Inc. AN2100 System for the COT.

8. The AN2100 Technical Manual discloses delivery of narrowband services via a packet (broadband) network. The AN2100 Technical Manual, and, thus, the Provisional Application, also teaches the subject matter of dependent claims 4, 5, 16 and 20 of the pending application.

9. The COT disclosed in the Invention Disclosure and the Technical Manual with the underlying concept of delivering narrowband services over a broadband network was developed before June 20, 1999, the date of the Committee T1S1 Contribution on Q.SCOBB (9S101470) (Q.SCOBB) reference cited in the Office Action.

10. The Office Action cites the Q.SCOBB reference for the feature of supporting narrowband services via broadband bearer technologies. The Q.SCOBB reference is dated June 20, 1999, which is after the date of both the Invention Disclosure and AN2100 Technical Manual appended to the Provisional Application.

11. Independent claims 1, 13 and 17 of the Specification recite the features of performing a continuity check by exchange of known bits.

12. Dependent claims 4, 5, 16 and 20 of the Specification add to claims 1, 13, and 17 the feature that the continuity check is performed during a set-up process for a narrowband call over the packet (broadband) network. The topology of the network for supporting narrowband calls over the broadband network is shown in FIG. 1 of the Specification.

13. The AN2100 Technical Manual discloses adapting time division multiplexed (TDM) narrowband voice traffic onto an asynchronous transfer mode (ATM) broadband network (par. 1.02 on page 1-1). The

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network topology to establish (set-up) and maintain a TDM-to-ATM is shown in FIG. 1.1 on page 1-2. FIG. 1.1 is equivalent to FIG. 1 of the Specification.

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patents issued thereon.

Signature: _____ Date: 03 May 2004

Typed/Printed Name: _____David Wells_____

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